

Serial No. 09/991,466
Reply to Office Action of March 3, 2005

REMARKS/ARGUMENTS

Claims 4-16 are pending in this application. Claims 4 and 8 are amended, and claims 11-16 are canceled.

Claims 8-13 and 14-16 stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement, as containing subject matter not described in the specification. The rejection of claims 8-13 and 14-16, as amended, is respectfully traversed.

Claim 8 (as well as non-rejected claim 4) have both been amended to more properly claim the invention. No new matter has been included in claims 4 and 8. Support for the amendments to claims 4 and 8 is found, inter alia, in FIG. 2D of the drawing figures and corresponding specification text. Claim 8 is now deemed to be allowable under 35 USC 112, first paragraph, as being in conformance with the drawings and the written specification.

Claims 9 and 10 are also deemed to be allowable under 35 USC 112, first paragraph, as being dependent upon an allowable base claim.

The rejection of claims 11-13 and 14-16 under 35 USC 112, first paragraph, has been addressed by the cancellation of these claims.

Claims 4-16 stand rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention. The rejection of claims 4-16, as amended, is respectfully traversed for the reasons given above. Claims 4 and 8 are deemed to be allowable under 35 USC 112, second paragraph, for the reasons given above.

Claims 5-7 and 9-10 are also deemed to be allowable under 35 USC 112, second paragraph, as being dependent upon either allowable base claim 4 or allowable base claim 8.

The rejection of claims 12-13 and 15-16 under 35 USC 112, second paragraph, has been addressed by the cancellation of these claims.

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Claims 4, 6-8 and 10-16 stand rejected under 35 USC 102(e) as being anticipated by Levy et al (6,103,592). The rejection of the claims under 35 USC 102(e), as amended, is respectfully traversed.

Claims 4 and 8 have been further amended to include the limitation that the etched rectangular-profiled portion of the oxide layer is laterally bounded by the central part of the large active region. Support for this amendment is found, inter alia, in FIG. 2d of the drawing figures and corresponding specification text.

In contrast, FIG. 1F of Levy et al shows the opposite situation to be true in which the lateral dimensions of the removed oxide layer extends beyond the lateral dimensions of the corresponding underlying active areas 12 and 12'.

Claims 4 and 8 are therefore deemed to be patentable over Levy et al as each containing at least one limitation not taught therein. Claims 4 and 8 are therefore deemed to be allowable under 35 USC 102(e).

Claims 6 and 7 are also deemed to be allowable under 35 USC 102(e) as being dependent upon allowable claim 4, and claim 10 is deemed to be allowable as being dependent upon allowable claim 8, for the reasons given above.

The rejection of claims 11-16 under 35 USC 102(e) has been addressed by the cancellation of those claims.

Claims 5 and 9 stand rejected under 35 USC 103(a) as being unpatentable over Levy et al in view of Tran et al (US Patent No. 6,046,106). The rejection of claim 5 and 9 under 35 USC 103(a) is respectfully traversed.

Claim 5 is deemed to be allowable as being dependent upon allowable base claim 4 for the reasons given above. Claim 9 is deemed to be allowable as being dependent upon allowable base claim 8 for the reasons given above.

In view of all of the above, the remaining claims 4-10 are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference

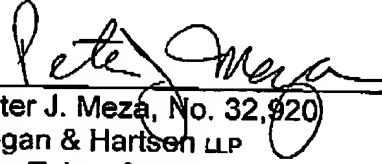
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would expedite the prosecution of this case, the Examiner is requested to contact Applicants' attorney at the telephone number listed below.

No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

4/14, 2005


Peter J. Meza, No. 32,920
Hogan & Hartson LLP
One Tabor Center
1200 17th Street, Suite 1500
Denver, Colorado 80202
(719) 448-5906 Tel
(303) 899-7333 Fax